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Attorneys for Defendants

Chevron Corporation and Chevron U.S.A. Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MATTHEW J. PLATKIN, ATTORNEY
GENERAL OF THE STATE OF NEW
JERSEY; NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION; and
CARI FAIS, ACTING DIRECTOR OF THE
NEW JERSEY DIVISION OF CONSUMER
AFFAIRS,

Plaintiffs,

v.

EXXON MOBIL CORPORATION;
EXXONMOBIL OIL CORPORATION; BP
P.L.C.; BP AMERICA INC.; CHEVRON
CORPORATION; CHEVRON U.S.A. INC.;
CONOCOPHILLIPS; CONOCOPHILLIPS
COMPANY; PHILLIPS 66; PHILLIPS 66
COMPANY; SHELL PLC; SHELL OIL
COMPANY; and AMERICAN PETROLEUM
INSTITUTE,

Civil Action No. 3:22-cv-06733-ZNQ-RLS

Hon. Zahid N. Quraishi, U.S.D.J.

Hon. Rukhsanah L. Sing, U.S.M.J.

Defendants.

STIPULATION AND [PROPOSED] ORDER FOR EXTENSIONS OF TIME AND TO SET BRIEFING SCHEDULE

Plaintiffs, Matthew J. Platkin, New Jersey Department of Environmental Protection, and Cari Fais (“Plaintiffs”), and Defendants BP p.l.c., BP America Inc., Chevron Corporation, Chevron U.S.A. Inc., Exxon Mobil Corp., ExxonMobil Oil Corporation, Shell plc, Shell USA, Inc. (f/k/a Shell Oil Company), ConocoPhillips, ConocoPhillips Company, Phillips 66, Phillips 66 Company, and American Petroleum Institute (collectively, “Defendants”) (Plaintiffs and Defendants are collectively referred to herein as “the Parties”), hereby stipulate and agree to, and request the Court to enter, the following schedule for briefing of Defendants’ anticipated Motion to Stay and Plaintiffs’ anticipated Motion to Remand:

WHEREAS, on October 18, 2022, Plaintiffs filed a Complaint against 12 defendants in the Superior Court of New Jersey Law Division, Mercer County, Docket No. MER-L-001797-22;

WHEREAS, on November 22, 2022, Defendants Chevron Corporation and Chevron U.S.A. Inc., with the consent of all properly named and served defendants, timely removed this action from Superior Court of New Jersey Law Division, Mercer County to this Court;

WHEREAS, Defendants’ responses to Plaintiffs’ Complaint are currently due by December 13, 2022;

WHEREAS, Plaintiffs intend to file a Motion to Remand, which Defendants intend to oppose;

WHEREAS, petitions for writs of certiorari to the United States Supreme Court are currently pending in *Suncor Energy (U.S.A.) Inc. v. Board of County Commissioners of Boulder County*, No. 21-1550 (U.S.) (“*Suncor*”), *Mayor & City Council of Baltimore v. BP*, No. 22-361

(U.S.) (“*Baltimore*”), and *Chevron Corp. v. San Mateo Cnty.*, No. 22-495 (U.S.) (“*San Mateo*”), and defendants’ forthcoming petition for a writ of certiorari seeking review of the Third Circuit’s decision in *City of Hoboken v. Chevron Corp.*, 45 F.4th 699 (3d Cir. 2022) is due December 29, 2022;

WHEREAS, Defendants believe that remand and removal briefing should be deferred until after the aforementioned proceedings in the Supreme Court have concluded and, accordingly, Defendants intend to file a Motion to Stay proceedings in this case pending the conclusion of these Supreme Court proceedings, which Plaintiffs intend to oppose;

WHEREAS, the Parties recognize that the Court may not be able to so order the below stipulation before Defendants’ current deadline to respond to the Complaint, and the Parties therefore agree to abide by the terms of this joint stipulation irrespective of whether the Court is able to act before that time;

WHEREAS, this stipulation does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense, claim, or objection, including lack of subject matter jurisdiction, or lack of personal jurisdiction, insufficient process, or insufficient service of process;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

1. Plaintiff’s Motion to Remand shall be due by December 22, 2022. The December 22, 2022 deadline does not apply to the Memorandum and Points of Authorities in Support of the Motion to Remand or any other supporting briefs and other materials, as described below.

2. Defendants shall file a Motion to Stay by December 22, 2022; Plaintiffs shall file their response by January 23, 2023; and Defendants shall file their reply by February 13, 2023.

3. Plaintiffs' Memorandum of Points and Authorities in Support of Remand shall be filed by March 13, 2023; Defendants' opposition shall be due within 30 days thereafter; and Plaintiff's reply shall be due within 21 days thereafter.

4. Defendants do not, by agreeing to the procedures herein to have the Court consider and adjudicate the Motion to Stay or Motion to Remand prior to any further proceedings, waive their objections to personal jurisdiction, insufficient process, or insufficient service of process. Plaintiffs agree that they will not assert in federal or state court that there has been any waiver of personal jurisdiction because of the Parties' agreement to have the Court consider and adjudicate the Motion to Stay or Motion to Remand prior to the filing of Motions to Dismiss.

5. If the Court denies Plaintiffs' Motion to Remand, the Defendants will file any Motions to Dismiss within 60 days of an Order denying the Motion to Remand. The Parties will also promptly meet and confer regarding an appropriate briefing schedule for Oppositions and Replies and page limits for Motions to Dismiss briefing and will endeavor to jointly submit a proposal to the Court within 10 days of the Court's order denying Plaintiffs' Motion to Remand. If the Parties are not able to agree on a proposed briefing schedule, they will submit separate proposals to the Court. If the Court grants Plaintiffs' Motion to Remand, the Parties agree to request the same deadlines from the Superior Court of New Jersey.

6. No Defendant is required to file an Answer or Motion to Dismiss or otherwise respond to the Complaint before, and in accordance with, the entry by the Court, or the state court, of a schedule for briefing Defendants' Motions to Dismiss as addressed in Paragraph 5.

7. The deadline to serve Rule 26(a) Initial Disclosures and the issuance of a Rule 16(b) Scheduling Order be stayed until *after* the Court has ruled on the Motion to Remand. Accordingly,

the scheduling conference currently set for January 31, 2023, and any accompanying deadlines, (Dkt. No. 33), will be vacated and taken off calendar.

Dated: December 2, 2022

Respectfully submitted,

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Granted. Given the protracted briefing schedule sought by the parties, they are to refrain from filing their motion papers on the docket on the deadlines they propose; they are to instead serve their briefs on each other on the proposed deadlines; on the same day that briefing on a motion is completed, the parties shall file then their respective submissions on the docket, with the appropriate Notice of Motion.

SO ORDERED this 5th day of
December 2020.



Hon. Zahid N. Quraishi, U.S.D.J.

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